

REMARKS

Claims 10, 12, 15-16, and 18-20 are currently pending within this application. Claims 1-9, 11, 14, and 17 have been canceled. Claim 10 has been amended by including the limitations of previous dependent claim 13 as well as the specific definition of the term polysiloxane from paragraph 18 on page 5 of the originally filed specification. No Claims have now been either added or canceled. No new matter has been added. Thus, Applicants respectfully request entry and due consideration of such amendments within this pending application.

The Office has sustained its rejections over Claims 10, 13, 15, 16, and 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Amano et al. The Office has also rejected Claims 12 under the same provision as being unpatentable over Amano et al. in view of Menon et al. Applicants have chosen to reply to these rejections simultaneously as they rely upon the proper ability to cite Amano et al. as a reference against the present claims. Applicants have now included the specific descriptions of the polysiloxane and organosilane reactants required within this inventive method which requires sequential reactions on silica particles as described. As the breadth of the claims have been reduced, and since Amano et al. fails to provide a proper basis of teaching or providing a fair suggestion for incorporating such specifically defined products with the same sequential procedure as within their processes, it is respectfully submitted that the claims as they currently stand are now in condition for allowance. In essence, it is Applicants' position that the showings within their originally filed specification provide sufficient evidence of the unexpected results for certain silica materials treated in sequence with the same types of

polysiloxane materials and organosilanes as now particularly claimed. It is well established that an inventor is not limited to his preferred embodiment in terms the claims he is entitled to. In this situation, sufficient evidence has been proffered showing the critical selection of polysiloxane and organosilane products that comply with the descriptions now present within the claims. As Menon et al. fail to remedy the shortcomings and lack of motivation provided by Amano et al., it is Applicants' position that the rejection utilizing that reference is moot as well. Reconsideration and withdrawal of such previous rejections are therefore respectfully requested.

CONCLUSION

In view of the amendments and remarks supplied above, it is respectfully submitted that the present claims of this application are now in condition for allowance and that this case be passed on to issue.

August 11, 2005

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 11, 2005, along with a postcard receipt.


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